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DEC 27 2005

OFFICE OF PETITIONS

In re Application of	:	
Zhou et al.	:	
Application No. 10/047,878	:	DECISION ON PETITION
Filed: January 17, 2002	:	
Attorney Docket No. GP-300898	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on September 9, 2005, to revive the above-identified application.

This application became abandoned for failure to properly and timely reply to the final Office Action mailed November 30, 2004, which set a three (3) month shortened statutory period for reply. On February 25, 2005, petitioner filed an amendment. On March 14, 2005, the examiner mailed an Advisory Action to petitioner stating that petitioner's response of February 25, 2005, to the final Office action had been considered but was not deemed to place the application in condition for allowance. Additionally, the Advisory Action informed petitioner that the period for response continued to run three (3) months from the final Office action of November 30, 2004. Because petitioner did not submit a proper and timely reply to the final Office action or request any extensions of time to respond, the application became abandoned on March 1, 2005. On July 22, 2005, the Office mailed a Notice of Abandonment.

On July 13, 2005, petitioner submitted a Notice of Appeal with the required fee and a request for an extension of time for response within the second month with a \$450.00 fee. However, the Notice of Appeal and the request for an extension of time for response were improper because petitioner submitted them beyond the six (6) month maximum period allowable by statute to reply to the final Office action of November 30, 2004 (*i.e.* May 30, 2005). Therefore, petitioner's Notice of Appeal was not entered.

On September 9, 2005, petitioner filed the present petition, a copy of the previously filed Notice of Appeal, and an authorization to charge the Deposit Account for the petition fee. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner

submitted the required reply in the form of a Notice of Appeal, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted**.

Petitioner must file an appeal brief within two months from the mailing date of this decision.

As previously stated, the \$450.00 extension of time fee is inappropriate. Therefore, the \$450.00 fee will be applied towards the outstanding petition fee of \$750.00. The balance due of \$300.00 will be charged to the Deposit Account.

This matter is being referred to Technology Center Art Unit 2834.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

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